

OFFICIAL

PTO/SB/97 (08-00)
PTO/SB/97 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
When the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

703-872-9306

RECEIVED

CENTRAL FAX CENTER

MAR 1 1 2004

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on March 11, 2004

Write Wagner Signature

Anne Wagner
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Form PTO/SB/17 - Fee transmittal Form PTO/SB/26 - Terminal Disclaimer Form PTO 2038

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will very depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Raten and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Complete for Patents. Washington, DC 20231.

HAR 12 2004

BECEINED

9704680104

MAR 1 1 2004

& TRADE

PTO/SB/26 (08-03)

Approved for use 07/31/2006. OMB 0551-0031 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT**

Docket Number (Optional) FREI.P-041-2

In re Application of:

Application No.: 10/065,152

Filed: 9/22/2002

For: Optical Method for Characterizing a Chemical or Biological Substance

The owner*, Artificial Sensing Instruments ASI AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,455,004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally

terminated prior to the expiration of its full statutory term a	as prese	examinat ntly shorte	ened by a	cate, is reis ny terminal	ssued, or is in disclaimer.	any manne
Check either box 1 or 2 below, if appropriate.	v +	4		-	A 1	
For submissions on behalf of an organization (e etc.), the undersigned is empowered to act on b	e.g., corposehalf of t	oration, p the organ	artnership ization.	, university	, government	agency,
hereby declare that all statements made herein of my owinformation and belief are believed to be true; and further false statements and the like so made are punishable by the United States Code and that such willful false statements such the United States Code and that such willful false statements are the united States Code and that such willful false statements are such that such a statement of the code of the united States Code and the such as the such as the statement of the code of the co	that thes fine or in ants may	se statem oprisonme	ents were	made with	the knowledg	e that willful Title 18 of
	P	0 0)	g. ()		

Carl Oppedahl

Typed or printed name

March 11, 2004

70-468-6600

X Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/12/2004 EFLORES 00000098 10065152

01 FC:2814

55.00 OP